

EXHIBIT 16

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF VERMONT

3
4 ROBERT WOLFE, and

5 CROSSFIELD, INC.,

6 Plaintiff,

7 vs.

Case No. 2:21-cv-53

8 ENOCHIAN BIOSCIENCES

9 DENMARK ApS, and

10 ENOCHIAN BIOSCIENCES, INC.,

11 Defendants.

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15 The Zoom Videoconferenced/Video Recorded
16 Deposition of JEFFREY R. KETCHUM, CRA,
17 Commencing at 9:32 a.m.,
18 Wednesday, October 26, 2022,
19 Before Stenographic Shorthand Reporter,
20 Lori Ann Baldwin, CSR-5207, RPR, CRR.
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1 deposition, that there are others that have, other
2 individuals that he knows, that he has interfaced with
3 and worked with in the past that had seen and reviewed
4 the Stig Waever report and that, one individual that
5 comes to mind just by memory is Ole Abildgaard, and
6 excuse me if I mispronounced that, who -- who stated
7 something along the lines of, it would be difficult or
8 Robert Wolfe wouldn't be a CFO again, something along
9 those lines. I -- I am mischaracterizing that quote,
10 but I remember reading something that Mr. Wolfe stated
11 in his deposition by that individual, Ole.

12 Beyond that, just based on my own
13 experience as an executive recruiter, as an executive
14 assessor of talent, these are some strong allegations
15 that have been made and again could be interfering
16 with his employment.

17 Q. So it could be but you can't say for certain if they
18 are?

19 A. I can say for certain that, if he was a candidate
20 of -- of mine and was going through the vetting
21 process, and there were other candidates that did not
22 possess the challenges from a background standpoint
23 that he does, that he would not be presented as a
24 finalist on a search.

25 Q. Can you identify any specific employers that rejected

1 Mr. Wolfe because of allegations raised in the
2 Superior Court action?

3 A. No.

4 Q. Can you identify any specific employers that read bad
5 press about Mr. Wolfe and rejected him because of that
6 bad press?

7 A. No other than the comment that Ole had made. And I'm
8 not sure if he has been in a position to employ
9 Mr. Wolfe again or serve on a board where Mr. Wolfe
10 was an employee of.

11 Q. I just want to clarify, what was it that Mr., or Ole
12 reviewed, what were you referring to?

13 A. The Stig Waevers report.

14 Q. So the Stig Waevers report is what Ole reviewed and
15 then made some comment that you think you might be
16 mischaracterizing; did I -- did I get that right?

17 A. Well, if we can pull up the deposition transcript, I'm
18 happy to try and locate that.

19 Q. Actually, I'd like to take a look at your report.
20 You -- you mention the Stig Waevers report in your
21 expert report, correct?

22 A. I would need to review my report and the area in which
23 you noted it.

24 Q. Can we take a look at page 20 of your report? Do you
25 see the top of the page says: I also reviewed a due

1 about ten minutes or so.

2 MR. CRETA: Absolutely. We'll keep it
3 relatively short.

4 BY MR. CRETA:

5 Q. Are you aware of any instances in which Mr. Wolfe
6 applied to a job in which Ole Abildgaard was on the
7 board?

8 A. No.

9 Q. Are you aware of any instances in which -- well, are
10 you aware of any instances that Mr. Wolfe has applied
11 to a job -- a job at a company that Ole Abildgaard is
12 associated with?

13 A. No.

14 Q. Is this Stig Waever report, is this publicly
15 available?

16 A. I don't believe so.

17 Q. Was this report part of the Superior Court action?

18 A. As I'm sitting here right now, I don't recall. I know
19 it was provided for me to review within the context of
20 something that had been produced. That's all I know.

21 Q. I guess why are you emphasizing in? You are providing
22 a quote directly in the text of your report. Why are
23 you doing that?

24 A. Well, because it was provided to me. I reviewed it.
25 And it's part of my opinion.

1 Q. And why is it part of your opinion?

2 A. Because I've reviewed it.

3 Q. Okay. What opinion does it support? Does it support
4 any of your opinions?

5 A. It -- it supports the fact that there have been
6 allegations made against Mr. Wolfe. And those
7 allegations of impropriety in my opinion affect his
8 employability.

9 Q. If the only person you have any sort of understanding
10 that this report has been provided to is
11 Ole Abildgaard, who you just said you're not aware of
12 ever employing Mr. Wolfe, how would this report, if
13 it's not public, and you are not aware of its being
14 provided to anyone, impact his employability?

15 A. That would be dependent upon who else it may have been
16 released to. It would be dependent upon if there is a
17 future release date. There's a number of factors that
18 could apply to his -- to his ability to suc -- to not
19 only successfully search but also be presented as a
20 candidate if the information was found out.

21 Q. So if this report wasn't disclosed, then it wouldn't
22 actually impact Mr. Wolfe's employability?

23 A. That's correct, beyond if Ole Abildgaard or anyone
24 else who has reviewed the report, happens to have said
25 something or at some future time may reference

1 A. No.

2 Q. Do you know what the closest city to it is?

3 A. I don't.

4 Q. Have any prospective employers rejected Mr. Wolfe due
5 to background check -- background check results?

6 A. I'm not aware of any.

7 Q. Are you aware of any employers who decided not to hire
8 Mr Wolfe because of allegations that he disclosed
9 Enochian confidential information?

10 A. No.

11 Q. You aren't able to say that Mr. Wolfe hasn't been able
12 to get a new job because of allegations that he
13 disclosed Enochian confidential information, correct?

14 A. I can't say if he has or if he hasn't.

15 Q. Right. You don't -- you don't know one way or the
16 other?

17 A. That's correct.

18 Q. Are you aware of any reasons prospective employers
19 have decided not to hire Mr. Wolfe?

20 A. I am.

21 Q. What are they?

22 A. In at least one instance, he mentioned to me that
23 compensation was below the level of which he's
24 accustomed to. And for that reason, the company
25 decided to pursue other candidates.

1 Q. Apart from that one instance where the comp was too
2 low, are there any other reasons you're aware of?

3 A. No.

4 Q. You're not aware of any employers saying that they
5 wouldn't hire Mr. Wolfe because they were looking for
6 a full-time position and he wanted a part-time
7 position?

8 A. Not that's coming to mind right now.

9 Q. What about location? Are you aware of any employers
10 saying they were looking for someone more locally
11 based?

12 A. I would need to reference my notes from my interviews
13 with Mr. Wolfe to be able to answer that question
14 succinctly and accurately.

15 Q. Are you aware of any customers or clients who decided
16 not to do business with Crossfield because of the
17 Superior Court action?

18 A. No.

19 Q. Are you aware of any customers or clients who decided
20 not to do business with Crossfield because of
21 allegations that Plaintiffs disclosed Enochian
22 confidential information?

23 A. No.

24 Q. Are you aware of any customers or clients who decided
25 not to do business with Crossfield because of bad

1 press?

2 A. No.

3 Q. Do you have an opinion on liability in this case?

4 A. No.

5 Q. Do you have an opinion on damages in this case?

6 A. No.

7 Q. Do you have an opinion on whether Mr. Wolfe disclosed
8 Enochian confidential information?

9 A. No.

10 Q. Do you have an opinion regarding the reasons Enochian
11 terminated Mr. Wolfe?

12 A. No.

13 Q. Do you have an opinion regarding Enochian's
14 motivations for filing the Superior Court action?

15 A. No.

16 Q. Do you have an opinion regarding how much plaintiffs
17 incurred on legal fees for the Superior Court action?

18 A. No.

19 Q. Do you know how much plaintiffs incurred on legal fees
20 for the Superior Court action?

21 A. I -- I can't recall what it is right now. I believe
22 it was mentioned somewhere within the documents that I
23 reviewed.

24 Q. Do you know how much personal time Mr. Wolfe spent
25 defending himself in the Superior Court action?

1 A. No, not as I sit here today. There -- there may have
2 been some reference to that in the information and
3 documents I reviewed but not that I recall.

4 Q. Do you have any understanding of why Enochian
5 dismissed the Superior Court action?

6 A. No.

7 Q. Do you have an opinion whether Mr. Wolfe has lost
8 wages because of Enochian filing or continuing the
9 Superior Court action?

10 A. Within the context of a job search, yes, but not
11 within the context of -- of -- of lost wages related
12 to anything else.

13 Q. Right. So you are not providing opinions specifically
14 about -- or saying that Mr. Wolfe lost wages because
15 Enochian filed or continued the Superior Court action?

16 A. No.

17 Q. And similarly, you are not providing an opinion
18 stating that Mr. Wolfe lost wages specifically because
19 of allegations that he disclosed Enochian confidential
20 information, correct?

21 A. No.

22 Q. Do you have an opinion on what the average
23 compensation is for a CFO of a publicly-traded
24 company?

25 A. Yes, but I have not provided that as a part of this

1 matter other than referencing the wages, the prior
2 wages that Mr. Wolfe received in his last year of
3 employment with Enochian and then comparing that to
4 the present CFO's 2019 wages.

5 Q. Okay. So what -- could you provide an estimate of
6 what the average compensation is for a CFO of a
7 publicly-traded company?

8 A. If I was retained to do so, yes.

9 Q. I'm just asking, sitting here today, are you able to
10 provide that estimate?

11 A. If that was within the scope of the opinion and I was
12 retained to do that, yes, I'm able to do that.

13 Q. Can you -- can you provide that estimate right now to
14 me?

15 A. No.

16 Q. Do you have an opinion on whether Crossfield has lost
17 money due to Enochian filing or continuing the
18 Superior Court action?

19 A. No.

20 Q. Do you have an opinion on whether Crossfield has lost
21 money due to allegations the Plaintiffs' disclosed
22 Enochian confidential information?

23 A. No.

24 Q. Do you have an opinion on whether Plaintiffs'
25 reputation has been harmed by Enochian filing or

1 and received those or they were initially provided to
2 me.

3 Q. If you look at column A of your spreadsheet, none of
4 the dates are in 2021 or 2022. Do you see that?

5 A. Yes, I see that.

6 Q. It looks like the most recent date is May 2020 which
7 is row 72.

8 Do you see that?

9 A. I do.

10 Q. Are you aware of Mr. Wolfe applying to any jobs after
11 May 14th, 2020?

12 A. No.

13 Q. Did Mr. Wolfe stop his job hunt on or around May 14th,
14 2020?

15 A. I don't believe that he mentioned that to me. My
16 understanding was that with Covid and his particular
17 job search, he focused more on his networking at that
18 time than -- than previously. Although, he said this
19 summer or during the time that we were talking with
20 each other, it seemed as if the market had picked up
21 some but I did not receive any additional information
22 nor did he share with me anything else that he had
23 applied for.

24 Q. Okay. Based off of what you've reviewed, Mr. Wolfe
25 has not applied for a job in over two years?

1 A. That would be correct.

2 Q. Are any of the companies listed in column B
3 publicly-traded?

4 A. There are two references to Berkshire Hathaway who is
5 publicly-traded. And the rest, without having access
6 to a database that lists 10,000 or so publicly-traded
7 companies, if there are that many, I don't know.

8 Q. What row is it, were you looking at?

9 A. Specifically, I'm looking at line, or excuse me, the
10 Excel number line 10 and 34.

11 Q. Do you know if that specific Berkshire Hathaway entity
12 is publicly-traded?

13 A. Well, Berkshire Hathaway is publicly-traded. So by
14 virtue of this being a division of them, it would be.

15 Q. Right. But Berkshire Hathaway Home Services
16 Commonwealth Real Estate isn't necessarily publicly
17 traded, it's just part of a publicly-traded company,
18 correct?

19 A. Yes.

20 Q. And same thing for Berkshire Hathaway Home Services,
21 that's not necessarily publicly-traded, that's just
22 potentially part of a publicly-traded company?

23 A. I don't necessarily see what the interest, the -- the
24 difference is but --

25 Q. I'm just asking for your confirmation.